



## State of New Hampshire

### PUBLIC EMPLOYEE LABOR RELATIONS BOARD

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KEENE EDUCATION ASSOCIATION, NEA-NH	:	
	:	
Petitioner	:	
	:	
v.	:	CASE NO. T-0282:6 & 7
	:	
KEENE SCHOOL DISTRICT, BOARD OF	:	DECISION NO. 90-70
EDUCATION	:	
	:	
Respondent	:	

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#### APPEARANCES

##### Representing Keene Education Association:

Mary Gaul, UniServ Director

##### Representing Keene School District:

Douglas S. Hatfield, Esq. Counsel  
Jane Cummings, Esq., Hatfield & Moran  
Patricia Trow, Personnel Manager, Keene SAU 29

#### BACKGROUND

The Keene Education Association, NEA-NH/NEA (Association) filed unfair labor practice charges against the Keene School District, Board of Education (District) for failing to bargain in good faith by refusing to meet at "reasonable" times and places, subject of Case T-0282:6, and a violation of the agreed ground rules relative to joint press releases, subject of Case T-0282:7.

A hearing on the combined cases was held in the PELRB (Board) office in Concord on March 14, 1989 with Board appointed hearings officer, Seymour Osman.

After consideration of all evidence and testimony presented, the hearings officer found the District guilty of unfair labor practice in violation of RSA 273-A by violating the agreed ground rule on joint press releases, by failing to bargain in good faith with the Association in regard to meeting times during part of the work day and ordered the District to display copies of his decision at all locations where affected employees worked for a period of not less than fifteen (15) days.

Counsel for the District appealed the hearings officer's decision to the full board and hearing was held on September 19, 1989 with all parties represented.

1. The case involved two (2) basic issues: (a) Did the District violate the agreed ground rules when it released information to the press after the teachers concluded the November 3, 1988 negotiation session? and (b) Did the District violate the statute by refusing to meet during the school day?
2. The District agreed it had released information to the press shortly after the conclusion of the November 3, 1988 session when agreement could not be reached on the ground rule for meeting times.
3. The failure to agree on one particular rule does not necessarily render other agreed rules null and void unless specifically stated in the process approved by the parties at the start of negotiations. Approval of ground rules is not mandatory.
4. "Impasse" is the point in labor-management negotiations at which either party determines that no further progress can be made toward reaching an agreement. The fact that the teachers concluded the November 3, 1988 session did not imply nor was it stated by either party that "impasse" had been reached, therefore the ground rule on joint press releases still governed.
5. The statute does not mandate that the parties negotiate solely during work hours, but it does mandate meeting at "reasonable" times (RSA 273-A:3, 1). The teachers work day is normally between the hours of 7:00 a.m. and 3:00 p.m. and board members work day varies between 7:00 a.m. and 5:00 p.m. Reasonable means an accommodation for all parties involved. It is unreasonable to expect teachers to always meet evenings and weekends and it is unreasonable for board members to always meet between 7:00 a.m. and 3:00 p.m. It must be understood, however, that persons seeking public office, such as school board members, should be cognizant of obligations inherent with such public offices.
6. PELRB finds that the District's press release was issued on the belief that impasse had been reached and not in retaliation for lack of agreement on meeting times.
7. These findings are being substituted for the parties requests.

#### DECISION AND ORDER

- A. PELRB reaffirms the Hearings Officer Decision (89-24) finding the District guilty of unfair labor practice in violation of RSA 273-A:5 (e), bad faith bargaining.

- B. The District shall display copies of this decision at locations where affected employees work for a period of 30 days in accordance with PELRB Rules & Regulations.

Signed this 5th day of September, 1990.

  
EDWARD J. HASELTINE  
Chairman

By unanimous vote. Chairman Edward J. Haseltine presiding. Members Seymour Osman and Richard E. Molan, Esq., present and voting. Also present, Executive Director, Evelyn C. LeBrun.